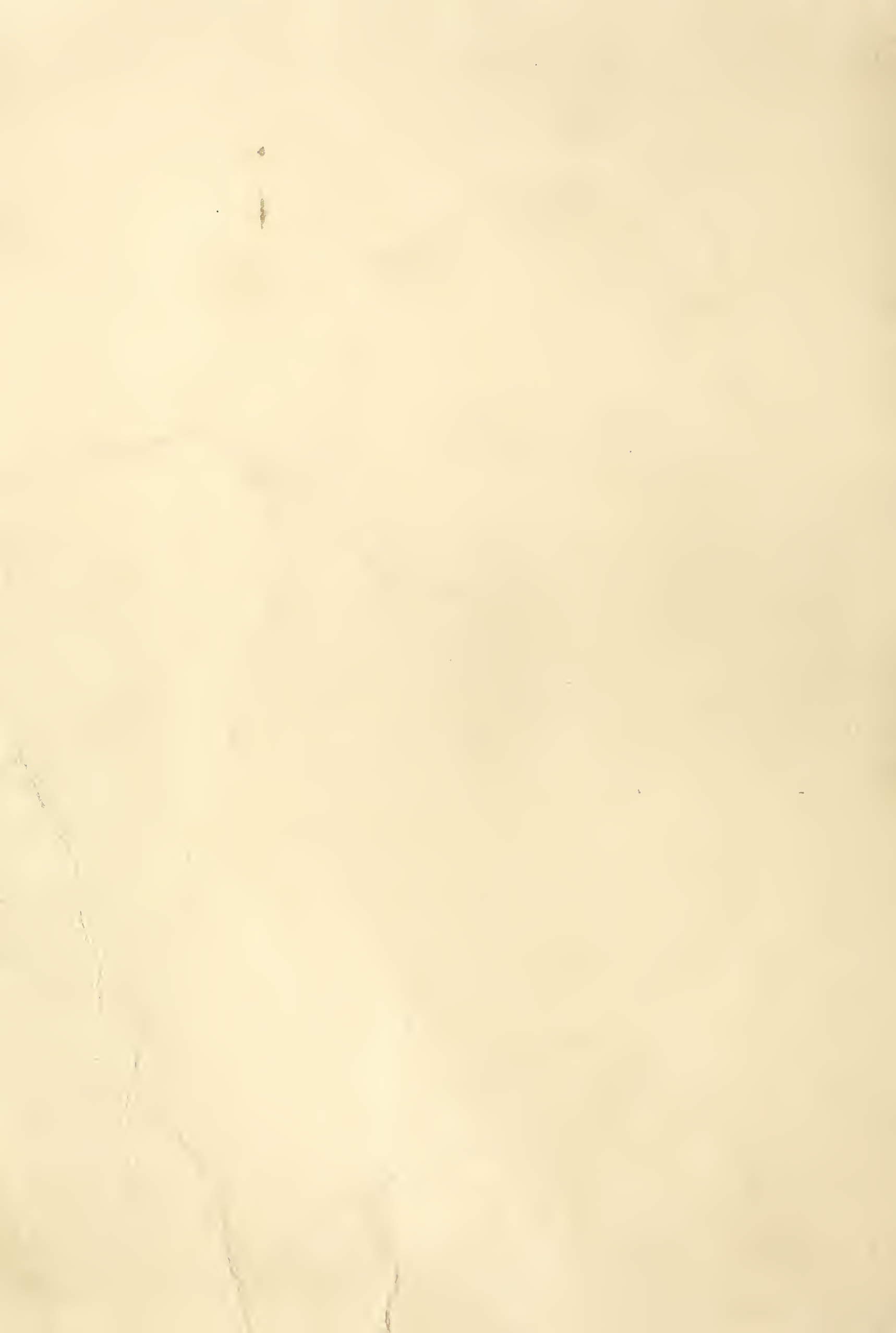


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133F  
p 2

WAR FOOD ADMINISTRATION

[WFO 121]

PART 1405—FRUITS AND VEGETABLES

APPLES

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of apples for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.50 *Restrictions with respect to apples*—(a) *Definitions.* (1) "Apples" means whole, fresh apples of any or all strains of the Winesap, Newtown, or Delicious (except Golden Delicious) varieties grown in Washington or Oregon and located in either of those two states.

(2) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(3) "Director" means the Director of Marketing Services, War Food Administration.

(4) "Governmental agency" means (i) the War Food Administration (including, but not limited to, any corporate agency thereof); (ii) the Army, Navy, Marine Corps, or Coast Guard of the United States (excluding, for the purposes of this order, United States Army post exchanges, United States Navy ships' service departments, United States Marine Corps post exchanges, and similar organizations); (iii) the War Shipping Administration; and (iv) any other agency or instrumentality of the United States, or any other person, designated by the Director.

(b) *Restrictions.* (1) No person shall ship, sell, or deliver any apples except to a governmental agency, and such apples shipped, sold, or delivered to a governmental agency shall be packed and graded in a manner acceptable to such governmental agency. This prohibition shall not, however, be applicable to any shipment, sale, or delivery of a lot of 5 bushels of apples or less.

(2) The Director may, from time to time, if he determines that such will tend to effectuate the purposes of this order, issue a written release for any lot of apples; and thereupon the apples thus released by the Director may be shipped, sold, or delivered subject only to the conditions, if any, specified in the release issued pursuant to the provisions hereof.

(3) No person shall ship or deliver any lot of apples of more than 5 bushels unless such apples have been inspected by an authorized representative of the Federal-State inspection service or by some other inspection service approved by the Director; and each person who ships or delivers a lot of apples, as aforesaid, to any person other than a governmental agency shall submit promptly to the Deputy Order Administrator, War Food Order No. 121, P. O. Box 1345, Yakima, Washington, a copy of the inspection certificate issued, as aforesaid, with respect to each lot of apples shipped or delivered by such person. The aforesaid inspection certificate shall state the va-

riety, grade, and range of sizes of the apples in the respective lot; and such certificate shall also state whether the apples, with respect to which the certificate is issued, are wrapped and the type of the container in which such apples are packed.

(4) The restrictions hereof shall be observed without regard to the rights of creditors, existing contracts, payments made, or to deliveries of apples made prior to the effective date hereof. This order shall not, however, be construed as reducing the quantity of apples which any person is required to ship, offer, or deliver under any existing contract with a governmental agency.

(c) *Records and reports.* (1) Each person who owns, controls, or has in storage 500 bushels of apples or more shall, within 7 calendar days after the effective date hereof, mail a report on Form WFO 121, to the Deputy Order Administrator, War Food Order No. 121, P. O. Box 1345, Yakima, Washington, stating (i) the location, quantity, and variety of the apples which are owned, controlled, or stored by such person, and (ii) the quantities, by varieties, of all apples produced during the 1944 crop year or acquired since August 1, 1944 by such person; and each such person shall also correctly complete and fill in all of the other information called for by the said Form FDO 121-1.

(2) The Director shall be entitled to obtain such additional information from, and require such additional reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in apples.

(d) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of apples of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the order administrator. Such petition shall be addressed to Order Administrator, War Food Order No. 121, Fruit and Vegetable Branch, Office of Marketing Services, War Food Administration, Washington 25, D. C. Petitions for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The order administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by

the order administrator on the petition, he shall obtain, by requesting the order administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (e) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(f) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using apples. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Director to serve as order administrator, and another such employee shall be designated by the Director to serve as alternate order administrator, and such other employees as may be necessary shall be designated to serve as deputy order administrators.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Deputy Order Administrator, War Food Order No. 121, P. O. Box 1345, Yakima, Washington.

(i) *Provisions of certain orders not applicable.* The provisions of War Food Order No. 73, as revised and amended (9 F.R. 10036), and of War Food Order No. 74, as amended on July 14, 1944 (9 F.R. 8002), do not apply with respect to apples restricted by the provisions hereof.

(j) *Effective date.* This order shall become effective at 12:01 a. m., p. w. t., January 16, 1945.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 16th day of January 1945.

MARVIN JONES,  
War Food Administrator.

**War Food Administration,  
Summary to WFO-121.**

The War Food Administration has issued War Food Order No. 121 requiring handlers of fresh apples grown and located in Washington and Oregon to set aside their holdings of Winesap, Newtown, and Delicious (except Golden Delicious) varieties to meet military and war service requirements.

The order, effective January 16, 1945, restricts the sale, shipment or delivery of the three varieties of apples by any person except to a governmental agency, and requires that all apples sold to these agencies be graded and packed in an acceptable manner. It also will provide a plan whereby the required volume will be obtained from shippers on an equita-

ble basis. Quantities not needed to fill war requirements will be released into civilian trade channels. Lots of 5 bushels or less are exempt from provisions of the order.

WFO 121 was issued to assure the availability of high quality Northwestern apples in quantities sufficient to meet current needs, particularly of the armed forces, both in the United States and in foreign theaters of war. A similar order was issued late in 1943 to obtain military requirements from the 1943 crop.

WFO 121 requires that all shipments or deliveries of more than 5 bushels of Washington and Oregon Winesap, Newtown, and Delicious (except Golden Delicious) apples be inspected by an authorized representative of the Federal-

State Inspection Service or by some other inspection service approved by WFA. It also requires that every person owning, controlling or having in storage more than 500 or more bushels of apples report by mail to WFA within 7 calendar days after January 16, 1945, (1) the location and quantity of the 3 varieties of Northwestern apples owned by him; and (2) the quantities, by varieties, of such apples produced, or acquired since August 1, 1944, during the 1944 crop year by him. Reports should be filed on Form FDO 121-1 and mailed to the Deputy Order Administrator, War Food Order No. 121, P. O. Box 1345, Yakima, Washington. An office will also be opened at Wenatchee, Washington. Report forms will be available at either of the two offices.



1337  
Reserve

**WAR FOOD ADMINISTRATION**

[WFO 121, Amdt. 1]

**PART 1405—FRUITS AND VEGETABLES**

**APPLES**

War Food Order No. 121 (10 F.R. 695), issued on January 16, 1945, is hereby amended by deleting therefrom the provisions in § 1405.50 (a) (1) and inserting, in lieu thereof, the following:

(1) "Apples" means whole, fresh apples of any or all strains of the Winesap or

Newtown varieties grown in Washington or Oregon and located in either of those two states.

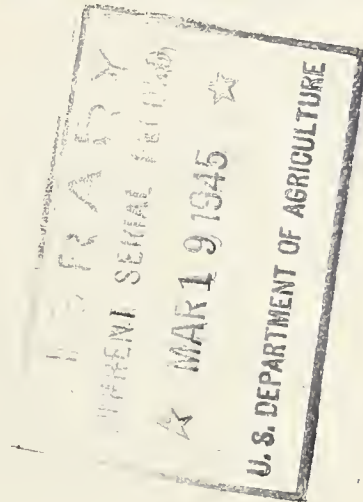
The provisions of this amendment shall become effective at 12:01 a. m., p. w. t., February 21, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 121 prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 121 in effect prior to the effective time hereof

shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other preceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 20th day of February 1945.

**ASHLEY SELLERS,**  
*Assistant War Food Administrator.*



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**WAR FOOD ADMINISTRATION**

[WFO 121, as Amended, Termination]

PART 1405—FRUITS AND VEGETABLES

APPLES

War Food Order No. 121 (10 F.R. 695) as amended (10 F.R. 2134) is hereby revoked and terminated as of 12:01 a. m., p. w. t., May 2, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 121, as amended, prior to the effective time hereof, all provisions of said order in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other pro-

ceeding with regard to any violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 1st day of May 1945.

**ASHLEY SELLERS,**  
*Assistant War Food Administrator.*

War Food Administration  
Summary to WFO-121 as amended  
Termination

*Apple Order (WFO 121) Terminated*

The War Food Administration has terminated War Food Order No. 121 under which handlers of fresh apples grown

and located in Washington and Oregon have been required to set aside their holdings of certain varieties to meet military and war service needs. These needs are now substantially fulfilled.

War Food Order 121 was issued January 16, 1945. The order originally cov-

ered all strains of the Winesap, Newtown, and Delicious (except Golden Delicious) varieties. An amendment effective February 21, 1945, however, excepted the Delicious variety from the set aside provisions. This makes a total of 74 War Food Orders that have been terminated.

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